

## INDEPENDENT REVIEW PANEL

### FTAA INTERIM REPORT ON **LABOR CONCERNS**

**Department Reviewed:** Miami-Dade Police Department

**Committee Meeting Date** April 15, 2004.

**Committee:** IRP Members: John Thornton, Esq., Committee Chairperson, Jorge E. Reynardus, Esq., Rev. James Phillips and Chief John S. Ross. IRP Staff: Eduardo I. Diaz, Ph.D., Executive Director; Carol Boersma, Executive Assistant to the Director; Duhamelle Desire, Conflict Resolution Specialist.

**MDPD:** Major Louis Battle, FTAA Operations Commander; Tom Guilfoyle, Esq., Legal Bureau; Sgt. Sheree Dibernardo, CAB.

**Audience:** Fred Frost, South Florida AFL-CIO President; Deborah Dion, AFL-CIO; Tony Fransetta, Florida Alliance for Retired Americans (FLARA) President; Larry Winawer, FLARA; Bentley Killmon, FLARA; Linda Romero, Field Representative Government Supervisors Association of Florida/OPEIU Local 100 AFL-CIO; Terry A. Coble, ACLU; Emilio Vazquez, representing US Senator Bill Nelson; Steven Wetstein; Donald F. March, Citizens Investigation Panel (CIP); Neil McCool; James B. Wright; Julia Trujillo.

**Media:** Chris McKinney, WSVN; Lazaro Lopez, WFOR; Michael Hibben, Miami Herald Radio; Jeffery Keating, Indy Media.

### **AFL-CIO Pre-FTAA Planning with the City of Miami**

AFL-CIO representative Deborah Dion, and a local attorney, met 16 times between 8/28/03 and 11/18/03, with representatives from the City of Miami Police Department, City Attorney's Office and City Community Relations Board, to negotiate plans and agreements for AFL-CIO (and its coalition partners) events during the FTAA Ministerial. All AFL-CIO events had permits from the City of Miami.

The agreements included the following events scheduled for Thursday, November 20, 2003:

- 7:00 am - Training for Peacekeepers, Bayside Amphitheater
- 10:00 am - Pre-Rally for Florida Alliance for Retired Americans (FLARA), Bayside Amphitheater
- 12 Noon - Rally, Bayside Amphitheater
- 2:00 pm - March, Downtown Miami

The AFL-CIO written agreement with the City of Miami included:

- The closing of Biscayne Blvd, from Flagler to NE 4<sup>th</sup> St., to vehicular traffic on 11/20/03 from 10 am to 6 pm, with the exception of buses providing transportation to and from AFL-CIO events.
- The specific parade route.

The AFL-CIO verbal testimony identified the bus routes as follows:

- The route for 52 AFL-CIO buses: I 395 or I 95 to Biscayne Blvd (or 2<sup>nd</sup> Avenue) exit to the front of Amphitheater (drop-off and pick-up site). Buses park at Miami Arena and return to pick-up site after the march.
- The route for 24 FLARA buses: I 395 or I 95 to Biscayne Blvd. exit to Biscayne (or 2<sup>nd</sup> Ave) to 3<sup>rd</sup> St. access road behind Bayside Market Place. Drop-off site was the Bayside elevators/escalators near the Amphitheater. Buses park at Miami Arena and return via NW 2<sup>nd</sup> Ave. to the front of Amphitheater to pick-up Retirees at 2 pm, after the marchers left Bayfront. (Most retirees were not to march.)

## **The actual routes of the 76 buses on November 20**

8 union buses got to Bayfront between 7 – 7:30 am.

2 FLARA buses unloaded from the access road, according to the agreed-on plan.

3 FLARA buses unloaded from Biscayne Blvd.

63 buses failed to reach Bayfront.

Several FLARA buses had to unload at increasing distances from Bayfront.

Several buses were stopped at the interstate 395 exit to Biscayne Blvd.

2 FLARA buses from Holiday, FL were told by police officers they could not enter and to go home. They never unloaded for the event.

Some buses circled around for several hours, attempting to find a way to get to Bayside.

No buses were allowed to pickup seniors at Bayside.

## **Testimony**

### **Fred Frost, South Florida AFL-CIO President**

Mr. Frost stated that AFL-CIO had about 15,000 people come to Miami to support Labor's position regarding FTAA agreements. There were 90 coalition partners. The police violated the first and fourth amendment rights of these people when officers in riot gear prevented them from gathering in permitted events. No one in this community accepts responsibility for what happened. Mr. Frost said many of these people are emotionally scarred for life, yet every police jurisdiction is saying: "Not our jurisdiction." No jurisdiction will accept responsibility for blocking access to the FLARA and AFL-CIO prearranged events on November 20.

Mr. Frost submitted a video which the AFL-CIO showed at a Civilian Investigative Panel Meeting. (Panel members present had already seen it.)

### **Deborah Dion, AFL-CIO**

The AFL-CIO spent ½ million dollars for FTAA activities, but the organizers do not want the money back. They want to know who was responsible for the disruption of AFL-CIO events scheduled for November 20.

Ms. Dion said that in her meetings with Miami officials, she was led to believe that the City of Miami was overseeing all jurisdictions involved in FTAA security, and that Miami representatives were communicating the results of these meetings with other jurisdictions. Ms. Dion stated that she was never told during these meetings that MDPD was responsible for a specific geographic area.

During the FTAA Ministerial, it was clear that on-site officers were not aware of the AFL-CIO agreements with the City of Miami. The rules changed with every shift change. Ms. Dion asked whether the Miami PD informed MDPD about the AFL-CIO bus operations and why MDPD stopped the buses.

### **Tony Fransetta, Florida Alliance for Retired Americans (FLARA)**

Mr. Fransetta stated that his group did not come to march and protest, but to express their concerns in a seminar on how the FTAA would affect seniors. Mr. Fransetta said FLARA had "guaranteed special arrangements" for FLARA buses to drop off seniors behind Bayside, where they had escalator and elevators to access the Amphitheater. FLARA believed it had the cooperation of the departments policing the areas where the buses passed. FLARA complied with all requests officials made to ensure the smooth passage of the buses.

On the morning of November 20, a couple of buses arrived at the Bayside drop-off point and then police blocked further access. Mr. Fransetta said there was no discernable reason or visible action that caused the plan to be shut down at this time.

MDPD prevented buses from exiting I-395, told a couple buses to go back home, and told others there was a perimeter and vehicles were not allowed in. Some people got off the buses and walked.

After the AFL-CIO march, FLARA buses were denied access to pick up seniors from Bayfront and no one would tell the seniors where the buses were.

Mr. Fransetta stated that, to date, no one in the County has addressed the treatment of the seniors during the FTAA Ministerial, and “whoever ordered the disruption of the seniors’ plan, has to apologize publicly.” He asked that the person who made the decision to block the buses be identified. Mr. Fransetta stated the City and the County “trashed” an event that cost \$41,000 and many months planning. There was no way the police could have confused the seniors with anarchists or terrorists.

Mr. Fransetta stated that, after being treated at the hospital for dehydration, he took a taxi to his hotel, the Holiday Inn across from Bayfront. When he showed the officer at the door his room key and identification band from the hospital, and said he needed to lie down, the officer told him: “Leave or go to jail.” Mr. Fransetta felt it was criminal for those in authority to psych officers up to believe that protesters were coming to destroy the city.

### **Larry Winawer, FLARA Retiree Organizer**

Mr. Winawer was responsible for the coordination of the 24 retiree buses. There was an agreement with the Miami PD to drop off seniors on the access road behind Bayside so they could walk through Bayside to the Amphitheater. Two FLARA buses were granted access to drop off retirees at the agreed-on drop-off point; three FLARA buses dropped off passengers in front of Bayside. No buses were allowed to pick seniors up from Bayside. As a result, seniors had to walk through a frightening maze of riot-gear police in an attempt to locate their buses.

As Mr. Winawer was assisting seniors to find their buses after the parade, he encountered FLARA member Bentley Killmon. He and Mr. Killmon were walking east on NE 5 St. toward Biscayne Blvd. and the Holiday Inn (Biscayne Blvd. and NE 3 St.) where Mr. Winawer was staying. They were stopped by police at the corner of NE 5 St and 2 Ave., and “funneled north.” Just past NE 2 Ave. and 6 St., a 45 degree line of MDPD officers blocked access north and east. They were forced west along the railroad tracks, along with about 13 other citizens scattered in an area about the size of a football field. At the same time about 50 Broward Sheriffs Office (BSO) officers, clad in riot gear with guns drawn, marched east on the railroad tracks and forced everyone to the ground. BSO arrested about 15 people, held them handcuffed in BSO vans for about 3 hours and then transported them to the Earlington Heights Processing Center.

Mr. Winawer recalls that a man named “Ricky” soiled himself after begging for medical attention for pain in his shoulder. He believes the incident happened in the Prisoner Processing Center.

Mr. Winawer stated that he was handcuffed behind his back for about 7 hours and in front for 5 hours. He described the time from arrest to release as follows:

5:00 pm Arrest  
8:30 pm Prisoner Processing Center  
12:30 am Jail  
5:30 am Booking completed  
5:00 pm Released

## **Bentley Killmon**

Mr. Killmon stated that, on the afternoon of November 20, he asked many police officers for the location of the buses and none would respond. When he was arrested by BSO, he provided his name several times. At the Prisoner Processing Center he showed his Drivers License, yet he was identified as "John Doe" on the Arrest Affidavit. Mr. Killmon said he was handcuffed behind his back for 7 ½ hours and was without water for 10 hours. Water was not provided until one hour after he arrived at the Turner Guilford Knight Center (TGK.) He saw no one go to the bathroom or drink water while he was at the Prisoner Processing Center.

During the prisoner processing, Mr. Killmon heard a Black prisoner, wearing an AFL-CIO vest, complain about severe pain in his shoulder. No one responded to his pleas for relief. He finally lost control of his bladder. Mr. Killmon is not sure whether this happened in the BSO van, in the Processing Center or on the way to TGK.

## **Major Louis Battle, Commander of MDPD Special Patrol Bureau**

The Special Patrol Bureau handles all pre-planned and spontaneous events within Miami-Dade County. The Tactical Operations for spontaneous events include SWAT, K-9 and the Bomb Squad. His Bureau also does all the strategic planning for major Miami-Dade County events. Major Battle was involved in over 80 FTAA meetings, many with the City of Miami Police Department.

Major Battle stated that for the FTAA: "I am the person; the buck stops with me." Major Battle:

- drafted the operational plan to train all the Miami-Dade police officers,
- created a philosophy as well as policy and procedures, and
- executed the operational plan.

Major Battle stated that he gave the commands, including the commands to shut down Metrorail, Metromover and roads, and he is "comfortable" with MDPD's performance during FTAA week. Major Battle expressed regret for the bus problems but added he would rather be chastised for having an overwhelming force of police officers on the road than for allowing seniors to be bused into the middle of a violent confrontation and get hurt because the police didn't do their job.

Major Battle stated he cannot answer for the City of Miami. Miami PD was the lead law enforcement agency and they brought over 30 other police departments under their umbrella. MDPD did not work under the Miami PD umbrella, but agreed to handle a specific geographic area. MDPD was in command and control of its own assets, while Miami PD handled its department and the other police agencies. There were two law enforcement operations going on during FTAA week and they were very different. MDPD assisted Miami PD but was not under MDPD command. MDPD was not specifically involved in Miami PD planning and decision-making.

Major Battle described the City's plan as follows:

The four largest groups were the City of Miami Police, Miami-Dade Police, Florida Highway Patrol (FHP), and Broward Sheriff's Office (BSO). FHP, BSO, some municipalities, as well as some federal and state agencies, worked under the Miami PD umbrella.

The City covered the Miami River, up to NE 6 St., including the Hyatt and the Intercontinental Hotel. The Intercontinental was the meeting site for the trade ministers. The Hyatt was the meeting site for the American Business Forum. Miami PD secured the conference sites in the downtown area with a large mass of police officers and a "hard fence line;" they called it their "hard perimeter." That was complemented with field forces, fixed posts and bicycle patrol. Miami PD ran a soft perimeter from about Flagler St. up to NE 6 St.

Miami PD dealt with parade routes and permits for demonstrations and events. The Bayfront Amphitheater was the main demonstration site. The Miami Arena was the staging area.

The Miami perimeter was surrounded by other jurisdictions:

BSO: West of I-95 and north of I-395. BSO and the City of Miami entered into a specific mutual aid agreement for the FTAA event.

FHP: South of the Miami River—the Brickell Financial Corridor and the interstates—I-95 and I-395.

MDPD: North: NE 4 St to NE 12 St. (Under I-395); from the Bay to I-95. MDPD and Miami PD overlapped from NE 4 St. to NE 6 St. The MDPD area included the port and the AAA Arena.

Major Battle stated that the City, Intel and the media were all advising that there would be 30,000 to 100,000 protestors. A lot of planning was "Intel driven," based on what might happen. Everyone was drilled with "anarchists, anarchists, anarchists." One thing learned from FTAA meetings in Washington and Cancun was to keep conference attendees in the conference site area, so police could lock down the conference site and the conference would not be interrupted.

This meant that other sites became viable targets, such as the airport, seaport, the train stations, the courthouse, the jail, the hospital, and the Government Center.

On Thursday morning, MDPD received "Intel" that some of the anarchists' websites had posted a Call to Action: Be at the Government Center [One-Eleven Building] at 7 am. When MDPD Officers arrived at 6 am, demonstrators were already showing up. Rather than shut down the non-permitted demonstration, Major Battle met with the protest leaders. He allowed them to protest around the One-Eleven Building, including the street, the courtyard and the park on the west side.

The protest continued without incident for about an hour and then there was provocation. Demonstrators began pushing on the officers' lines and on their shields. Major Battle walked between the demonstrators and the officers, trying to keep the police line straight, the officers were composed. Supervisors walked behind the officers saying, "Hold the line. Hold the line." MDPD officers held their line, showed their discipline and no one was arrested.

Then the protesters moved to the City of Miami fence line. Ten minutes later, the same demonstrators that had not left a piece of graffiti or a piece of litter at the One-Eleven Building, were throwing grappling hooks on the fence. Gas was dispersed, officers had paint thrown at them, tear gas was thrown into the crowd, fires were set, and barricades were in the street. There was a "pitch battle" up and down Biscayne Boulevard for about two hours. Miami PD asked that MDPD take a position on NE 3 St., a block south of its regular perimeter.

MDPD held a north lateral line on Third Street and locked down the Boulevard from NE 4 St. to NE 12 St. No traffic was allowed east of NE 2 Ave., but MDPD did not stop vehicular or pedestrian traffic at any time on Third Street. NE 2 Ave., NE 1 Ave. and Miami Ave. were open arterials to Third Street, where demonstrators could have turned east to the Amphitheater.

Later Major Battle said *he* did not shut down Third Street eastbound, but he did not know if the City or BSO might have.

Major Battle said he was aware that AFL-CIO buses were going to drop off people at the Amphitheater. The route given to him went down Second Avenue south to Third Street and he did not close down Second Avenue, nor did he close exits from I-95 or I-395. He did not know that seniors were on several of the buses with a specific drop-off point. He added that the City was fighting a violent group, and they probably should have contacted whoever was driving the buses to tell them: "We've got a violent confrontation going on." The City Command Post probably had a roster of the bus drivers with cell phones. The communications aspects of a plan are often just as important as the logistical and the operational aspects of a plan.

After the AFL-CIO March in the afternoon, another violent confrontation began between Miami PD and some protestors on Biscayne Blvd., from Flagler to about NE 3 St. Miami PD, with the help of BSO, pushed the crowd west to NE 2 Ave. and then north on 2<sup>nd</sup> Avenue. Major Battle saw dumpsters being pushed in the street and lit on fire. He saw rocks and bottles. Major Battle lined up his officers on NE 2 Ave. He did not know that the violent crowd was being pushed

down NE 1 Avenue as well. MDPD had no direct communication with BSO. He communicated with Miami PD through the Command Post.

Major Battle stated that BSO and Miami were pushing people north on Second and First Avenue. He did not order his officers to push people west along railroad tracks where they would be trapped, but he could envision the field force commander, seeing a violent crowd coming up Second Avenue, make a decision to box them in.

**Linda Romero**, Field Representative, Government Supervisors Association of Florida/OPEIU Local 100 AFL-CIO (Provided to IRP staff on 4/21/2004)

Ms. Romero was an AFL-CIO Field Marshall on Thursday, November 20. After the AFL-CIO march, about 3:30-4:00 PM, she was at the foot of "the hill" by the amphitheater. People, including seniors and children, were standing around and sitting on the lawn, having a good time. Then she heard drums and she saw a police line marching north on the Boulevard, toward her. She heard popping sounds, screaming and saw puffs of smoke. She could not see what caused the police advance.

Ms. Romero called City Commissioners Regalado and Winton because she saw the police line advancing toward demonstrators who were doing nothing wrong. Ms. Romero saw no violence toward the police and she heard no dispersal orders. She estimated that 95% of the people who were "swept up" by officers had no idea what was going on. Many of them were like "gawkers" at an auto accident. If they had been told to move, they probably would have moved.

Ms. Romero also called Chief Timoney's office and spoke with Major Roell because no one could locate the buses that were supposed to pick up the senior citizens. According to Major Roell, the buses were supposed to be on NE 2 Ave., possibly at 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> Streets. Ms. Romero sent people north to avoid the approaching police line, but then she saw police marching south on the Boulevard. She tried to direct people toward 2<sup>nd</sup> Avenue where the buses were supposed to be, but the police had that blocked as well. She was with a group of about 100 people who avoided the police sweep by entering, or standing next to, the amphitheater.

Ms. Romero and a friend, Dawn Addy, left the area after the police line passed. They were advised by Deborah Dion to remove their union vests. Ms. Romero stated that she believes officers were targeting people who participated in the AFL-CIO march, because earlier in the week, during an AFL-CIO conference, Miami PD was "very present in our face." They were very intimidating and wanted to "teach us a lesson."

Ms. Romero stated she found it difficult to believe Major Battle's lack of knowledge about the buses. The AFL-CIO participated in many meetings during the planning process. Miami PD, Miami CRB, MDPD and Miami-Dade CRB were all represented at one time or another. The buses and the removal of people after the march were discussed in one of the meetings. The AFL-CIO wanted to avoid what happened in Seattle: violent protesters hiding among the peaceful union people after the march.



Ms. Romero's only encounter with MDPD on that afternoon, to her knowledge, was with MDPD intelligence officers who tried to get her to identify the hotel where the union marshals and trainers were staying.

## **AFL-CIO Questions**

1. Did the MPD notify the Miami-Dade police about the AFL-CIO bus operation?

Major Battle said he was aware that AFL-CIO buses were going to drop off people at the Amphitheater. The route given to him went south on NE 2 Ave. to NE 3 St. and then east to the Amphitheater. He did not know that seniors were on several of the buses or that there was a specific route for the senior buses.

2. Who gave the order to stop the buses?

The evidence does not support that there was a specific order to stop the buses. MDPD and Miami PD locked down certain streets to control aggressive demonstrators. MDPD held a north lateral line on Third Street and locked down the Boulevard from NE 4 St. to NE 12 St. MDPD did not block exits from I-95 or I-395. No traffic was allowed east of NE 2 Ave., but MDPD did not stop vehicular or pedestrian traffic at any time on Third Street, although Miami PD may have.

3. Did the MPD inform the Miami-Dade police that there was peacekeeper training at the Amphitheater on November 20 at 7:00 am?

There was no testimony that MDPD knew about the peacekeeper training.

4. Did the Miami-Dade police know that the AFL-CIO had peacekeepers?

There was no testimony about MDPD's knowledge of AFL-CIO peacekeepers.

5. On November 20, at 7:00 am Biscayne Blvd. and adjacent streets were lined with police officers in riot gear – later about 9:00 am the police presence was even greater. Who gave the order for different jurisdictions to move in position, including the Miami-Dade police? And more importantly why?

Major Battle gave the orders for MDPD. Major Battle's primary mandate was to protect people and not allow innocent bystanders to wander into an area where there were violent confrontations. Major Battle shut down streets whenever there was "intel" of a pending act or something was already occurring.

All other jurisdictions were under the direction of Miami PD Chief Timoney.

6. AFL-CIO staff members were unable to access their communications truck, parked between 3rd and 4<sup>th</sup> Streets on Biscayne Blvd. 400 cases of bottled water and two thousand signs were also

at this site. Miami-Dade police blocked access to the Biscayne Blvd. median. Why and who gave the order? Why did the AFL-CIO get no explanation of what was going on?

Major Battle said the group in the communication truck was “the happiest, friendliest group of people out there that day.” They never communicated there was a problem.

7. The AFL-CIO March route was cut short for no reason nor explanation, we were not able to go past Flagler. The question for Miami-Dade police is what was communicated to them from the MPD when the AFL-CIO started leaving Bayfront and marching up Biscayne toward 3<sup>rd</sup> street?

Major Battle acknowledged that MDPD blocked the pre-arranged parade route at Biscayne and 3<sup>rd</sup> St. because the night before, Miami PD Captain Thomas Cannon asked him to move to Third Street and block the north side of Third. Captain Cannon told Major Battle that he told the AFL-CIO they were not “going to Fourth Street.” Miami Police blocked the parade at Flagler.

8. On November 20<sup>th</sup> at 4:00 pm the marchers were coming back to Bayfront for a finale. We were trying to locate our retiree buses and other buses as well as trying to reach the MPD to see if they would allow our buses to pick up folks in front of Bayfront. This did not happen.

MDPD had no jurisdiction over Miami PD or the perimeters it established. Biscayne Blvd was closed to vehicular traffic by MDPD and Miami PD. An October 30, 2003 letter from Miami Major Thomas Roell to the AFL-CIO attorney confirms that Miami PD closed Biscayne Blvd. to vehicular traffic on 11/20/04 from 10 AM to 6 PM, however buses were permitted “to drop off and pick up AFL-CIO event participants.” The MDPD perimeter on the north side of NE 3 St. and on NE 2 Ave. blocked access to Bayfront from NE 4<sup>th</sup> Street and streets north.

9. At approximately 4:30 pm protestors gathered in front of the fence line on Flagler and all of a sudden Miami police officers shot off tear gas and started advancement up Biscayne Blvd toward 3<sup>rd</sup> street. The advancement happened quickly. AFL-CIO was trying to get their people out of Bayfront and moving toward the port. The advancement included officers firing tear gas, rubber bullets and pepper spray as well as hitting protestors with clubs.

The MDPD Command Post Log indicates this action was taken by Miami PD:

3:52 pm Large group (approximately 400) at 2nd and Biscayne. City deployed gas.  
3:55 pm Crowd running northbound up Boulevard.  
3:56 pm City deployed pepper spray and pepper balls.

10. Where was the Miami-Dade Police during this advancement?

On November 20, between 4 pm and 6 pm, MDPD was holding a south perimeter on the north side of NE 3 St., a west perimeter on NE 2 Ave. and an east perimeter on Biscayne Blvd.

11. Why were Broward officers arresting people in a Miami-Dade jurisdiction?

Downtown Miami was divided into three geographical jurisdictions, but that did not preclude crossing over jurisdictions when necessary to maintain control.

12. Mayor Penelas said he would have the Miami-Dade police conduct an internal investigation and report back to us their findings. As of today, April 13, we have not heard anything from Mayor Penelas.

On February 13, 2004, Miami-Dade Mayor Alex Penelas met with Fred Frost and Deborah Dion, from the AFL-CIO, and Larry Winawer and Tony Fransetta from FLARA. Also present were former MDPD Director Carlos Alvarez, Chief Randy Heller and representatives from the ACLU. Following that meeting, Mr. Frost sent Mr. Penelas a letter thanking him "for directing the Miami-Dade Police Department investigate specific incidents of abuse that might have taken place at the hands of Miami-Dade police officers."

In a May 11, 2004 letter to the IRP, Police Legal Advisor Thomas Guilfoyle addressed Mr. Winawer's concerns: "Chief Heller and I subsequently determined that the allegations did not fit within the parameters for investigation by the Professional Compliance Bureau. However, Chief Heller did direct the Special Patrol Bureau to investigate Mr. Winawer's complaint. It was determined that he was arrested by Broward Sheriff's Office... I believe we addressed all [AFL-CIO] concerns" at the IRP Labor concerns Committee Meeting.

13. On January 30<sup>th</sup> Fred Frost requested several documents from the Miami-Dade police. He received a response from the Assistant County Manager stating that they were in the process of putting together the documents -- Fred Frost still has not received any information from the Miami-Dade Police Department.

It is a fact that, as of May 11, 2004, Mr. Frost had not received a response to his public records request. In a February 10 letter to Mr. Frost, Assistant County Manager Susanne Torriente stated: "We are in the process of gathering the specific information you requested." In a May 11, 2004 letter to the IRP, Police Legal Advisor Thomas Guilfoyle wrote: "we will follow up on the request."

14. Miami-Dade was blocking the planned parade route at Biscayne at NE 3 St. Did Miami Captain Thomas Cannon tell MDPD to block the area?

Yes. The AFL-CIO march was supposed to exit the amphitheatre, go north on the Boulevard to Fourth Street, make a U-turn go down to Third Street and go west. The night before, Captain Cannon asked MDPD to block the north side of Third Street. Captain Cannon told Major Battle that he had told the AFL-CIO that they weren't going up to Fourth Street.

## **Other Questions**

15. What is the responsibility of MDPD officers and supervisors who witness unlawful arrests?

Testimony indicates that MDPD prevented a group of about 15 people, walking north on NE 2 Avenue, from turning east on arterials leading to Biscayne Blvd., from 3<sup>rd</sup> St. north. MDPD

directed them to turn west on the railroad tracks, where they encountered BSO in riot gear with guns drawn. BSO "swept them up."

If, in fact, MDPD officers directed citizens to go west on the railroad tracks, and MDPD officers witnessed BSO arrest those people, even though the officers saw no probable cause to arrest, what is the responsibility of the MDPD officers or their supervisors, who witnessed the arrests?

Major Battle said Mr. Winawer met with Chief Erched or Chief Heller about this matter and they were looking into it. Mr. Guilfoyle will look into it and stated that he believes IA is investigating two FTAA related complaints.

16. What instructions were given to MDPD officers regarding communication with protesters or other citizens?

Major Battle stated officers were instructed to remain where posted and be disciplined. Supervisors were walking behind the line of officers and, if any questions arose, a supervisor responded immediately. No directions were given to not communicate with people.

17. What did MDPD know about AFL-CIO plans?

MDPD only knew what Miami PD told them and no written details as to bus routes and specific drop-off plans were provided. Major Battle stated the route given to him went south on NE 2 Ave. to NE 3 St. and then east to the Amphitheater. Both Deborah Dion and AFL-CIO attorney Libby Herrera-Navarrette, in a later phone conversation, stated that no MDPD representatives were present in AFL-CIO meetings with City officials. They assumed that City officials were communicating with MDPD as well as other jurisdictions.

18. Who was the Field Force Commander closest to BSO on the afternoon of November 29<sup>th</sup>?

MDPD identified two Lieutenants: Jack Solomon and Robert Brown. Lt. Solomon was directed to prevent any persons from going east of NE 2 Avenue near the railroad tracks. Lt. Solomon recalled that individuals were proceeding east along the railroad tracks, followed by BSO officers. Lt. Brown had a discussion with the BSO officers but did not interfere with the arrests.